

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:10CV457

MARK JOHNSON d/b/a/ JQ SOLUTIONS, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
EDWIN WESTLAKE and WESTEV WW )  
COMMODITIES LLC, )  
 )  
Defendants. )  
\_\_\_\_\_ )

ORDER

This matter is before the court upon its own motion. The *pro se* Plaintiff filed his Complaint on September 16, 2010 but has never successfully served the Defendants. The Court dismissed the case without prejudice on April 25, 2011 for failure to timely serve the Defendants pursuant to Rule 4(m). Plaintiff filed a motion to reconsider, and on July 20, 2011 the court vacated its Order of dismissal and extended the time for service for an additional 60 days. Plaintiff then filed a Motion for Summary Judgment on September 15, 2011. The Court denied the motion, as Defendants still had not been served. Plaintiff appealed the denial of summary judgment and the Fourth Circuit dismissed the appeal on April 24, 2012 for lack of jurisdiction. Despite the fact that this case was filed over two years ago, Plaintiff has yet to serve Defendants. Accordingly, the Court hereby DISMISSES THIS CASE WITHOUT PREJUDICE for failure to

timely serve Defendants.

IT IS SO ORDERED.

Signed: October 5, 2012

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

